

REMARKS

Claims 1-24, 32-33, and 39-40 are pending in the application. Claims 2-3, 6-9, 14, 16-17, 22-24, and 32-33 were withdrawn in response to the prior Restriction Requirement. Claims 1, 5, 10-13, 15, and 18-21 have been amended to correct grammatical errors. Claim 1 has been amended to incorporate features originally found in the specification and dependent claims. Claims 5, 10, 11, and 12 have been amended to clarify the subject matter which Applicants regard as the invention. Claim 4 has been cancelled and new claims 39 and 40 have been added. Support for these amendments can be found in the claims and specification of the as-filed application. No new matter is believed to have been added in these amendments.

CLAIM OBJECTIONS

The Office Action has objected to claims 1, 4-5, 10-13, 15, and 18-21. Claims 1, 5, 10-13, 15, and 18-21 have been amended, as suggested, to correct grammatical errors.

REJECTIONS UNDER 35 U.S.C. § 112

The Office Action has rejected claims 10-13 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. While not conceding that claims 10-13 were indefinite, claims 10 and 11 have been amended to remove the term ‘like’. Accordingly, this rejection should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102

The Office Action has rejected claims 1, 4, and 15 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,000,950 to Wuendisch (hereafter “Wuendisch”). Applicants respectfully disagree for the following reasons.

As amended, claim 1 recites a wound care product comprising a substance which inhibits the growth of bacteria in wounds, a layer which directly contacts a wound during use and which is permeable to a wound liquid, and a gel into which the substance has been introduced, characterized in that the substance is xylitol.

Wuendisch fails to disclose a wound care product comprising a layer which directly contacts a wound during use and which is permeable to a wound liquid. Accordingly, this rejection should be withdrawn.

The Office Action has rejected claim 1 under 35 U.S.C. § 102(b), as allegedly being anticipated by Japanese Publication No. 2002-284604 to Katasuyama *et al.* (machine translation; hereafter “Katasuyama”). Applicants respectfully disagree for the following reasons.

As amended, claim 1 recites a wound care product comprising a substance which inhibits the growth of bacteria in wounds, a layer which directly contacts a wound during use and which is permeable to a wound liquid, and a gel into which the substance has been introduced, characterized in that the substance is xylitol.

Katasuyama fails to disclose a wound care product comprising a layer which directly contacts a wound during use and which is permeable to a wound liquid, and a gel into which xylitol has been introduced. Accordingly, this rejection should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

The Office Action has rejected claims 1, 4-5, 10-13, 15, 18, and 20 under 35 U.S.C. § 103(a), as allegedly being obvious over U.S. Patent No. 4,921,704 to Fabo (hereafter “Fabo”) in view of Katasuyama. Applicants respectfully disagree for the following reasons.

As noted in the Office Action, Fabo does not teach or suggest the use of xylitol in a wound care product. Katasuyama is directed to an antibacterial/antimold agent that can be applied to skin to suppress the formation of a biofilm. The antibacterial/antimold agent taught in Katasuyama comprises xylitol and farnesol. One of skill in the art would not have been motivated to combine the xylitol and farnesol antibacterial/antimold agent of Katasuyama with the wound dressing of Fabo. Specifically, one of skill in the art would appreciate that farnesol cannot be used in a wound during the regeneration phase, as farnesol disturbs cell growth. Thus, while the antibacterial/antimold agent of Katasuyama may be suitable for application to skin to suppress formation of a biofilm, it would not be a suitable substance for use in a wound dressing as described in Fabo. Accordingly, the combination of Katasuyama and Fabo would not have rendered the claims of the present invention obvious and this rejection should be withdrawn.

The Office Action has rejected claim 21 under 35 U.S.C. § 103(a), as allegedly being obvious over Fabo in view of Katasuyama, in further view of U.S. Patent No. 5,099,832 to Ward (hereafter “Ward”). Applicants respectfully disagree for the following reasons.

At least for the reasons above with respect to claims 1, 5, 10-13, 15, 18, and 20, the combination of Katasuyama and Fabo would not have rendered claim 21 of the present invention obvious. The addition of Ward does not overcome the fact that one of skill in the art would not have been motivated to combine the farnesol containing antibacterial/antimold agent of Katasuyama with the wound dressing of Fabo. Accordingly, claim 21 would not have been rendered obvious by the combination of Fabo, Katsuyama, and Ward, and this rejection should be withdrawn.

CONCLUSION

Applicants requests entry and consideration of this amendment. In the amendment, one claim was cancelled and two new claims were added. Accordingly, the fee for an additional claim is enclosed. A credit card payment is submitted *via* EFS Web in the amount of \$1,162.00, representing the fees for a three-month extension of time under 37 C.F.R. § 1.17(a)(3) and an additional dependent claim under 37 C.F.R. § 1.16(i). This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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